

PLANNING & DEVELOPMENT

600 West Fourth Street
Davenport, Iowa 52801-1106
E-mail: planning@scottcountyiaowa.com
Office: (563) 326-8643 Fax: (563) 326-8257



Item #4
3/5/19

Timothy Huey
Director

To: Mahesh Sharma, County Administrator

From: Timothy Huey, Planning Director

Date: February 25, 2019

Re: Discussion of Public Hearing and Presentation of Planning & Zoning Commission's recommendation on the application of Dale Grunwald, DBA Grunwald Land Development, to rezone a 60-acre tract, more or less, from "Commercial-Light Industrial (C-2)" to "Single-Family Residential (R-1)" legally described as a 13.5 acre tract, part of the NE¹/₄NW¹/₄ of Section 25, a 5 acre tract, part of the NW¹/₄NE¹/₄ of Section 25, and a 40 acre tract, part of the SE¹/₄NW¹/₄ of Section 25, all in Blue Grass Township.

The Planning Commission unanimously recommended approval of the rezoning in accordance with staff's recommendation. The Commission determined that the request met a preponderance of the criteria of the land use policies.

The applicants were present to answer any questions from the Commission and they presented one letter from an adjacent property owner in support of the application. There was no one else in attendance at the public hearing and staff has not received any objections to this rezoning request.

On the same Planning Commission agenda the Commission held a public hearing and reviewed the applicant's Preliminary Plat of the property with 47 residential lots. Staff will put that application on a future Board agenda to be considered after final action is taken on this rezoning request.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommends approval of the request to rezone this property from Commercial-Light Industrial (C-2) to Single-Family Residential (R-1) based on its compliance with a preponderance of the criteria of the Revised Land-Use Policies. Vote 6-0 (Lloyd absent)



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- Applicant:** Dale Grunwald DBA Grunwald Land Development
- Request:** Rezone 60 acres more or less from Commercial-Light Industrial (C-2) to Single-Family Residential (R-1)
- Legal Description:** 3 tracts described as a 15 acre tract part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25 AND a 5 acre tract part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25 AND a 40 acre tract which is the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, all in Blue Grass Township.
- General Location:** On the west side of Interstate I-280, on the south side of Locust Street, and on the north side of West Lake Park
- Existing Zoning:** Commercial-Light Industrial (C-2)
- Proposed Zoning:** Single-Family Residential (R-1)
- Surrounding Zoning:**
- North:** Light Industrial District (I-1) *City of Davenport*
 - South:** Agriculture-General District (A-G) *West Lake Park*
 - East:** Agriculture-General District (A-G) / Agriculture District *City of Davenport*
 - West:** Agriculture-General District (A-G)

GENERAL COMMENTS: This request is to down zone 60 acres of a 74 acre parcel from C-2 to R-1. The property is located on the north side of West Lake Park on the west side of I-280 and south of 160th/Locust Street. It is $\frac{1}{4}$ mile east of Y-48/110th Avenue.

The applicant submitted this request to rezone the south 60 acres of this property in conjunction with a proposed Preliminary Plat that shows the property subdivided into 50 residential lots with the remaining 14 acres, adjacent to 160th/Locust Street, remaining zoned C-2

The entire 81 acre parcel was rezoned from A-G to C-2 in 1994 to allow for the development of the convenience store on a 1.5 acre tract in the south west quadrant of the I-280 Locust Street interchange. In 2014 a Site Plan Review was approved for mini-warehouse buildings and outdoor RV storage on a 5.5 acre tract adjacent to the south side of the convenience store. The remaining 74 acres has not been developed since the initial rezoning was approved in 1994 for the convenience store.

STAFF REVIEW: Staff has reviewed this request for compliance with the criteria of the Scott County Zoning Ordinance and the Revised Scott County Land Use Policies for rezoning applications. The Zoning Ordinance states that the Commercial-Light Industrial District



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is intended and designed to accommodate auto and truck oriented commercial and industrial establishments intended to serve the general needs of the County and the highway traveling public and along adequately constructed paved county/state roads. The Scott County Land Use Policies states that proposed changes in land use and zoning should comply with a preponderance of the applicable land use policies.

In general, the Scott County Land Use Policies encourage development to locate within cities, however the guidelines for reviewing development proposals in rural areas are:

Is the development in compliance with the adopted Future Land Use Map

The recent review and adoption of the current Future Land Use Map indicated that when areas requesting consideration to be rezoned were adjacent to existing city boundaries, as is the case with this property, the first preference is generally that the property be annexed into that city and zoned for development under the City's jurisdiction rather than by the County. Staff referred the applicant to the City of Davenport Planning staff to allow the possibility of annexation to be fully vetted. The response from the City is included with this staff report and it generally states that the City would only consider annexation if the City could provide sanitary sewer and the cost of extending that sewer is prohibitive at this time.

City comments also state:

Davenport lacks any adopted policies addressing extraterritorial development around the City. We believe that in the very long term, there may be opportunities for industrial and/or commercial development along the I-280 corridor. But currently, the City is looking at other development opportunities within or adjacent to the City's Urban Service Boundary.

Since this property is already zoned to allow commercial/industrial development it is not shown to be considered for any changes on the Future Land Use Map. The 80 acre tract adjacent to the west of the applicant's property that is currently zoned Ag-General (A-G), is shown on the Future Land Use Map as appropriate for consideration of commercial and/or industrial development.

In the case of a downzoning from C-2 to R-1, such as this application, the Future Land Use Map is generally not intended to anticipate such changes and therefore any approval of this application would rest on its compliance with the other established criteria.

Is the development on marginal or poor agricultural land?

The land use policies rank any soil with a CSR of 60 or greater as productive agricultural soil. The Soil Conservation Service has not, as of yet, responded to the notification of this rezoning request. Review of the Soil Survey of Scott County would indicate that it mostly has soils identified as Garwin, Muscatine, Tama and Killduff silty, clay, loam



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with slopes between 0% and 10%. The CSR of these soils range and average in the mid 90s for nearly the entire site. These soils are also listed as Prime Farmland in the soil survey, therefore this property would be considered to mostly consist of prime agricultural soils.

Does the proposed development have access to adequately constructed paved roads?

This property has approximately six hundred sixty feet (660') of frontage on Locust/160th Street which is a paved two lane road with shared maintenance by the City and the County. The centerline of the road is the city limits and the entrance to the American Honda plant is across the road from the western edge of the applicant's property.

Does the proposed development have adequate provision for public or private sewer and water services?

The property is not currently served by public sewer. However Iowa-American water mains are in the Locust Street right of way and could and should be extended to serve this property. The County Subdivision regulations require that any subdivision with thirty (30) or more lots, when the median lots size is less than one (1) acre shall provide for common sanitary sewage treatment using the administration rules of the Iowa Department of Natural Resources. Subdivisions containing more than thirty (30) lots when 90% or more of the lots are greater than 1 acre in size may install septic systems in lieu of the common treatment using County Health Department standards.

The City reviewed the possibility of extending sewer service to this property when it reviewed the possible annexation. City staff stated:

The City of Davenport did discuss the possibility of extending sanitary sewer to this property. The cost of this extension has been estimated at \$4.5 million, which is not currently budgeted within the City's Capital Improvement Plan. Both the City and Mr. Grunwald agree this extension is cost-prohibitive at this time.

City staff also stated:

We have discussed the possibility of annexation with Mr. Grunwald. We do not support annexation without connection to the sanitary sewer system, at a minimum. In order to be annexed to the City, all infrastructure improvements would need to meet the City's construction standards and be inspected by City staff or be certified by a professional engineering firm licensed in the State of Iowa. Understandably, Mr. Grunwald cannot absorb the costs of the sewer and still have a viable project.

Of course there are other alternatives for common sewage treatment other than connection to the City's sewer system. When American Honda was developed a sewage



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treatment lagoon was constructed to serve that plant and the development that has occurred in that vicinity (north of Locust Street). These waste water treatment issues will be reviewed in more detail with the proposed Preliminary Plat.

Is the area near existing employment centers, commercial areas and does not encourage urban sprawl?

As stated above, the property is adjacent to American Honda and the West Lake Business Park that is inside City limits. It is also adjacent to the I-280 - Locust Street interchange. The property is near other commercial areas, the Quad City's transportation road network and other residential development. However urban sprawl can also be defined as residential and/or commercial development near a city but beyond city utilities and services to serve such development.

Is proposed development located where it is least disruptive to existing agricultural activities?

This property is currently in ag production, as is the adjacent 80 acres to the west. It would appear that development of this property would not significantly impact any existing agricultural activities to any greater degree than the existing development in the area.

Does the area have stable environmental resources?

This property would appear to be relatively flat, with stable environmental resources which of course contributes to its classification as prime agricultural land. The Subdivision Regulations define environmentally sensitive areas as areas with slopes in excess of 25%, native forest growth, native prairie grass and wetlands. The regulations also require that when a wooded site is developed, no more than 15% of the naturally occurring tree canopy cover shall be removed. None of these would appear to be an issue with this property or the proposed development of this property.

Is the proposed development sufficiently buffered from other less intensive land uses?

Scott County West Lake Park is adjacent to the south side of this property. The need for buffering this proposed residential development from the park property would be reviewed in conjunction with the subdivision review.

Is there a recognized need for such development?

The adopted land use policies do recognize that there is a need for providing opportunities for a variety of housing types in Scott County.

Will the property be developed in an efficient manner that is also supportive of energy conservation?

Due to the size of the area to be rezoned it would appear that this request meets this policy to some degree.



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Staff has notified the adjacent property owners within five hundred feet (500') of this property of this hearing. A sign has also been placed on the property stating the date and time this request would be heard by the Planning & Zoning Commission. Staff has not, as of yet, received any calls or comments on this rezoning request.

Following the above review staff would acknowledge that there are arguments to be made on how this request does or does not meet the criteria for consideration of rezoning. Even though the property is prime farm land and currently in crop production it is also currently zoned C-2 which would allow its immediate development for such uses. It is located near other development and the area transportation network but is not able to be served with city sewer. However there are other sewage treatment alternatives that can be required in conjunction with any subdivision plat approval. Staff is therefore recommending approval of this rezoning request based on its current zoning that would permit commercial or industrial development and the ability to address other issues in conjunction with the review of the proposed subdivision submitted with this rezoning application.

RECOMMENDATION: Staff recommends that the rezoning of this property from Commercial-Light Industrial (C-2) to Single-Family Residential (R-1) be approved based on its compliance with the criteria of the Revised Land-Use Policies.

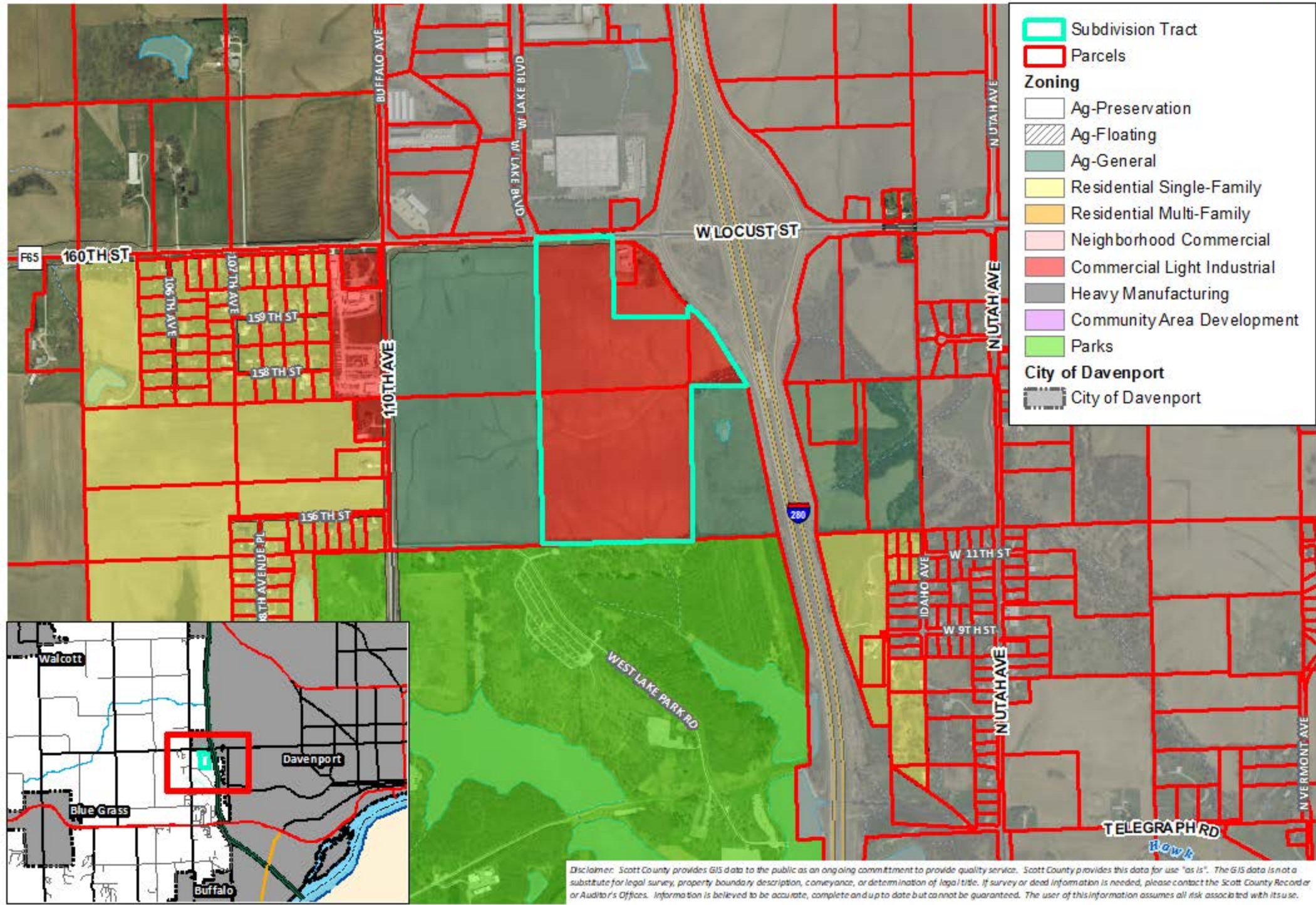
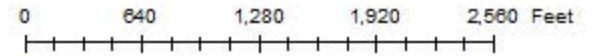
Submitted by:
Timothy Huey, Director
February 1, 2019



Existing Zoning - Grunwald Land Development, West Lake Settlement

Scott County, Iowa

1 inch = 1,049 feet



Legend

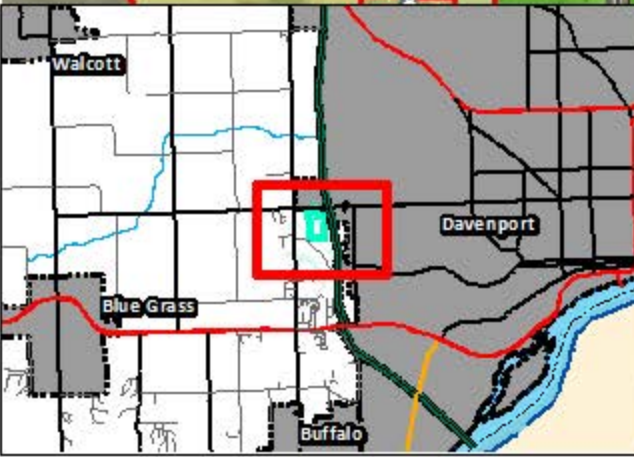
- Subdivision Tract
- Parcels

Zoning

- Ag-Preservation
- Ag-Floating
- Ag-General
- Residential Single-Family
- Residential Multi-Family
- Neighborhood Commercial
- Commercial Light Industrial
- Heavy Manufacturing
- Community Area Development
- Parks

City of Davenport

- City of Davenport

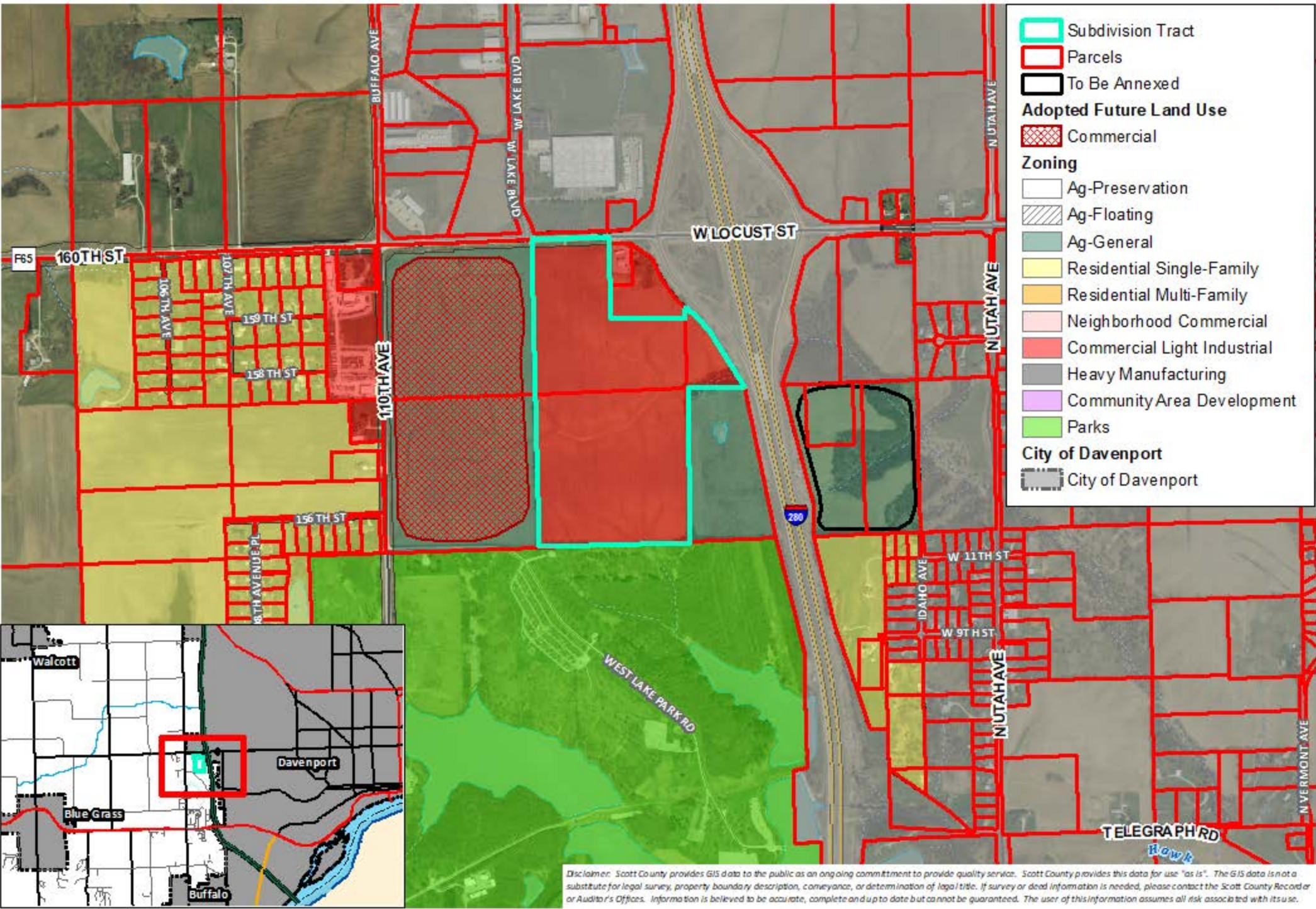
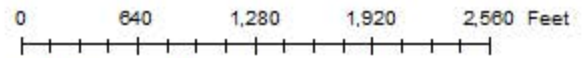


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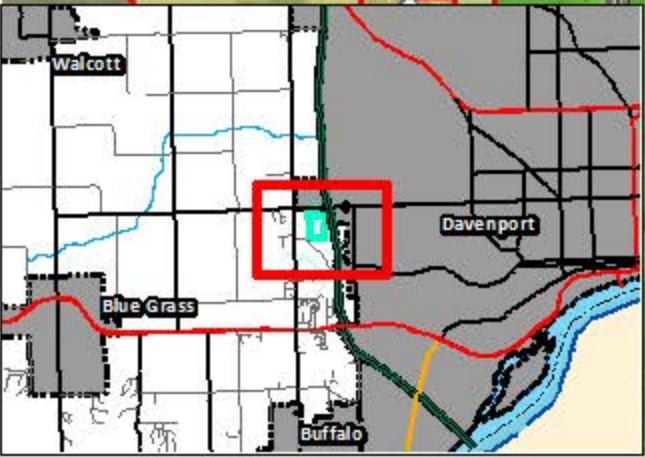


Future Land Use - Grunwald Land Development, West Lake Settlement Scott County, Iowa

1 inch = 1,049 feet



- Subdivision Tract
- Parcels
- To Be Annexed
- Adopted Future Land Use**
- Commercial
- Zoning**
- Ag-Preservation
- Ag-Floating
- Ag-General
- Residential Single-Family
- Residential Multi-Family
- Neighborhood Commercial
- Commercial Light Industrial
- Heavy Manufacturing
- Community Area Development
- Parks
- City of Davenport**
- City of Davenport



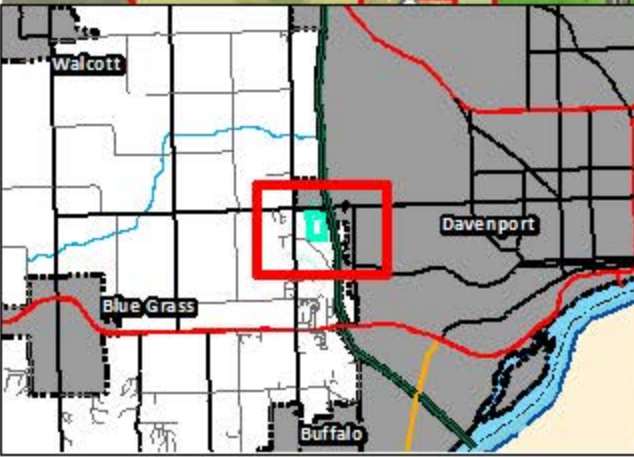
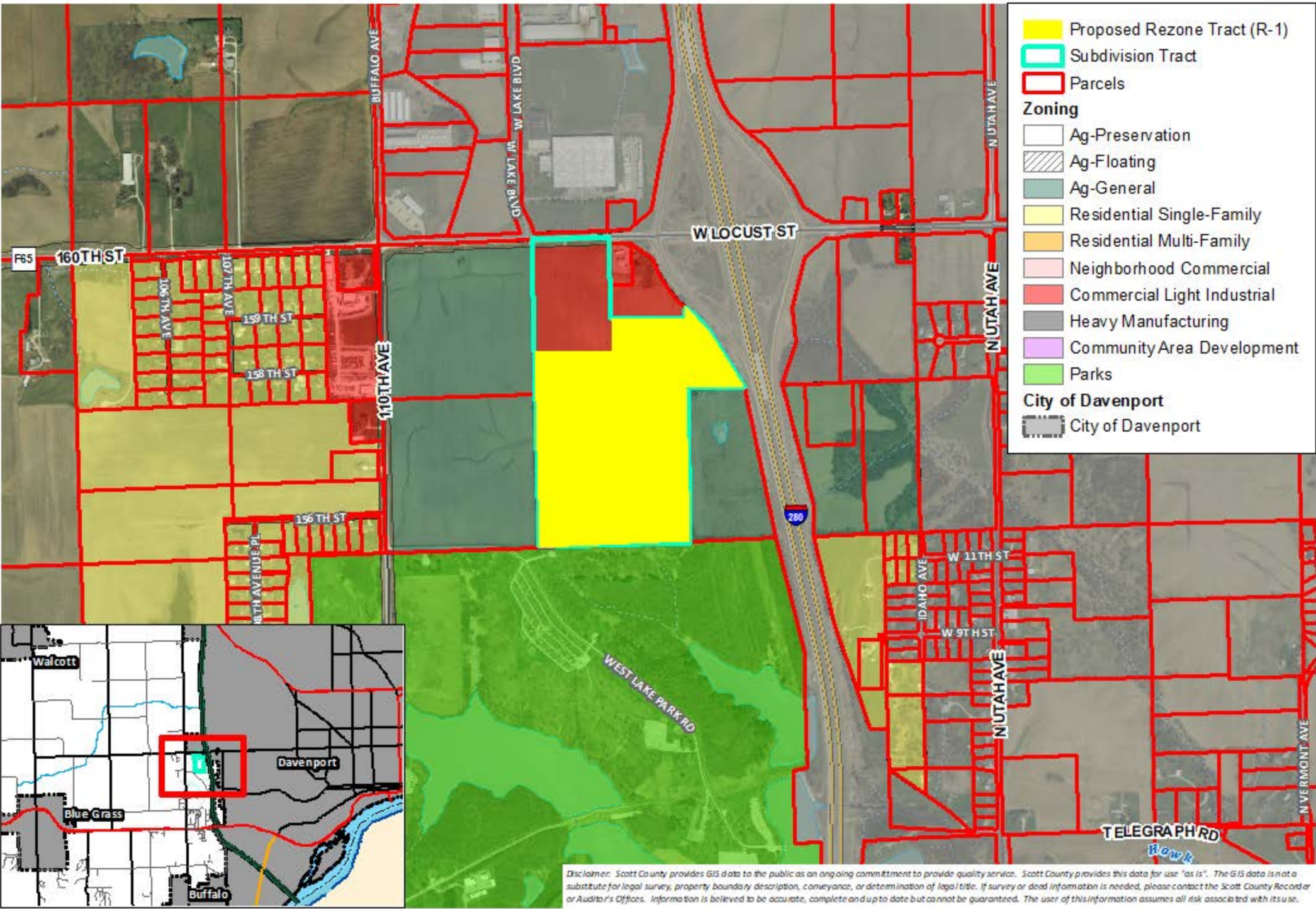
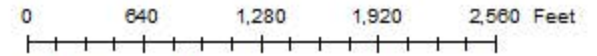
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Rezoning - Grunwald Land Development, West Lake Settlement

Scott County, Iowa

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Prepared by: Scott County Planning and Development, 600 West Fourth Street, Davenport Iowa

SCOTT COUNTY ORDINANCE NO. 19-_____

AN ORDINANCE TO AMEND THE ZONING MAP BY REZONING APPROXIMATELY 60 ACRES IN SECTION 25, BLUE GRASS TOWNSHIP FROM COMMERCIAL-LIGHT INDUSTRIAL (C-2) TO RESIDENTIAL SINGLE-FAMILY (R-1), ALL WITHIN UNINCORPORATED SCOTT COUNTY.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY IOWA:

Section 1. In accordance with Section 6-31 Scott County Code, the following described unit of real estate is hereby rezoned from Commercial-Light Industrial (C-2) to Residential Single-Family (R-1) to-wit:

Part of the North Half of Section 25, Township 78 North, Range 2 East of the 5th P.M. being more particularly described as follows:

Commencing, as a point of reference, at the northeast corner of the Northwest Quarter of said Section 25; thence Westerly 660 feet along the north line of the Northwest Quarter of said Section 25; thence Southerly 60 feet to a point on the southerly right of way line of Locust Street, said point being the POINT OF BEGINNING of the tract of land herein after described: thence continuing Southerly 645 feet; thence Easterly 660 feet, more or less, to the east line of the Northeast Quarter of the Northwest Quarter of said Section 25; thence Northerly 90 feet, more or less, along the east line of the Northeast Quarter of the Northwest Quarter of said Section 25 to a point on the southwesterly right of way line of Interstate 280; thence Southeasterly 311 feet, more or less, along the southwesterly right of way line of Interstate 280; thence Southeasterly 555 feet, more or less, along the southwesterly right of way line of Interstate 280 to a point on the south line of the Northwest Quarter of the Northeast Quarter of said Section 25; thence Westerly 500 feet, more or less, along the south line of the Northwest Quarter of the Northeast Quarter of said Section 25 to the east line of the Southeast Quarter of the Northwest Quarter of said Section 25; thence Southerly 1,325 feet, more or less, along the east line of the Southeast Quarter of the Northwest Quarter of said Section 25 to the south line of the Southeast Quarter of the Northwest Quarter of said Section 25; thence Westerly 1,325 feet, more or less, along the south line of the Southeast Quarter of the Northwest Quarter of said Section 25 to the west line of the East Half of the Northwest Quarter of said Section 25; thence Northerly 2,585 feet, more or less, along the west line of the East Half of the Northwest Quarter of said Section 25 to the southerly right of way line of Locust Street; thence Easterly 667 feet, more or less, along the southerly right of way line of Locust Street to the point of beginning.

Section 2. This ordinance changing the above described land from Commercial-Light Industrial (C-2) to Residential Single-Family (R-1) is approved as recommended by the Planning and Zoning Commission.

Section 3. The County Auditor is directed to record this ordinance in the County Recorder's Office.

Section 4. Severability Clause. If any of the provisions of this Ordinance are for any reason illegal or void, then the lawful provisions of the Ordinance, which are separate from said unlawful provisions shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Section 5. Repealer. All ordinances or part of ordinances in conflict with the provisions of the Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its final passage and publication as by law provided.

Approved this ____ day of _____ 2019.

Tony Knobbe, Chair
Scott County Board of Supervisors

Roxanna Moritz, County Auditor